

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Kameswari S. Konduri, et al
Serial No.: 10/769,034
Filed: 01/30/04
Examiner: Kevin K. Hill
Art Unit: 1633

For: A Sterically Stabilized Carrier For Aerosol
Therapeutics, Compositions And
Methods For Treating Diseases Of
The Respiratory Tract Of A Mammal

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450 on the date and by the person whose signature appears below.

T. Lindsey Scott
(Signature)
10-6-08
(Date)

MS Non-fee Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

RESPONSE

Sir:

In response to the Office Action mailed February 6, 2008, an extendible one-month time for response having been reset to begin August 12, 2008 and hereby extended by a Request for Extension of Time for one month to extend to October 12, please consider the amendments to the attached Appeal Brief.

The initial Office Action in this matter was mailed February 6, 2008 but was not received by Applicants. The time for response was reset as a result of an interview with Examiner Hill.

The courtesy and cooperation of the Examiner interview extended by Examiner Hill is acknowledged with appreciation.

At this interview, no discussion of the merits of the required changes or the Brief occurred. The sole subject for discussion was that the last Notification of Non-Compliant Brief dated February 6, 2008 which had only recently come to Applicants' attention had not been received by Applicants. Examiner Hill agreed to reset the time for response to begin August 12, 2008.

Applicants again express appreciation for the interview extended by Examiner Hill.

In the Brief, the claim numbers have been revised to that shown by the Examiner.

Applicants have attempted to enter a brief record of all amendments entered up to and including the Amendment after Final as well as the Advisories mailed to Applicants requesting amendments to the Applicants' Brief.

The Examiner has suggested that certain of Applicants' claims do not annotate other claims. It is not clear to Applicants what is intended by this objection but to remedy this rejection a copy of the claims as submitted with the last entered amendment as well as a clean copy of the claims currently under appeal are attached.

The Examiner has pointed out that some claims recite dependence on cancelled claims. Unfortunately Applicants are unable to correct this oversight at this point.

There was an objection to the rejections under 112. Applicants have combined the 112 rejections into a single ground for appeal and addressed this ground in the Brief.

Applicants' attorney is of the opinion that the Brief on Appeal is now in condition for hearing. However, in the event that further revisions are necessary, please advise Applicants' attorney of any further needed revisions and they can be quickly made and returned to the Patent Office.

Respectfully submitted,

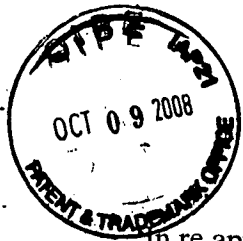

F. Lindsey Scott

Registration No. 26,230

972.599.2888

Attorney for Applicants

2329 Coit Road
Suite B
Plano, TX 75075-3796



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Konduri, et al
Serial No.: 10/769,304
Filed: 01/30/04
Examiner: Kevin K. Hill
TC: 1633
Docket No.: KSKO-25,661

I hereby certify that this paper and fee are being deposited with the United States Postal Service as Express Mail to Addressee on the date indicated below and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date of Deposit: 10-6-08

F. Lindsey Scott
Signature of Person Mailing Document(s)

For: A Sterically Stabilized Carrier for
Aerosol Therapeutics, Compositions
and Methods For Treating Diseases of
the Respiratory Tract of a Mammal

MS Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

One copy of the Further Amended Brief on Appeal is attached hereto.

The Patent and Trademark Office is requested to direct all mail and telephone calls to: F. Lindsey Scott, Law Office of F. Lindsey Scott, 2329 Coit Road, Suite 102, Plano, Texas 75075, telephone 972.599.2888.

Applicants consider that no additional fees are due for the filing of this Further Amended Brief on Appeal, but in the event that any additional fees are payable, please charge any such fees to Deposit Account 500232.

Respectfully submitted

F. Lindsey Scott
F. Lindsey Scott
Attorney for Applicants
Registration No. 26,230